

The Judicial System as an Instrument to protect Environmental Issues and promote Sustainable Development in India

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Abstract

This research examines the role of the Indian judiciary as an instrument for environmental protection and the promotion of sustainable development. It highlights how constitutional provisions—Articles 21, 48A, and 51A(g)—provide the foundation for environmental rights, while legislative instruments such as the Environment Protection Act (1986), Water Act (1974), Air Act (1981), and Biological Diversity Act (2002) operationalize these protections. The study emphasizes the transformative impact of judicial activism, particularly through Public Interest Litigation (PIL), the expansion of locus standi, and the interpretation of doctrines like the precautionary principle, polluter pays principle, and public trust doctrine. Landmark judgments, including the M.C. Mehta series, Vellore Citizens' Welfare Forum, and T.N. Godavarman Thirumulpad, illustrate the judiciary's proactive role in balancing developmental imperatives with ecological preservation. The paper also assesses the contribution of specialized bodies like the National Green Tribunal and highlights challenges such as enforcement gaps, delays, and accessibility issues. Ultimately, it concludes that judicial intervention has been pivotal in shaping India's green jurisprudence, though effective implementation requires coordinated institutional action.

Keywords— Environmental Protection, National Green Tribunal, Biodiversity, Judicial Activism.

Introduction

The Indian judicial system has increasingly come to be regarded not merely as an arbiter of legal disputes but as a pivotal instrument in safeguarding the environment and fostering sustainable development. With escalating environmental degradation—from air and water pollution to deforestation, loss of biodiversity, and climate change—India faces pressing challenges that threaten both human well-being and future generations. In many instances, the legislative and executive branches have been slow, under-resourced, or subject to conflicting economic and political pressures, which have left gaps in environmental protection. Into this breach steps the

judiciary, leveraging constitutional provisions, judicial activism, and landmark judgments to interpret, enforce, and even expand legal norms in favour of ecological integrity and intergenerational equity (Vijeta S. Singh, 2019).

Indian environmental jurisprudence draws much of its strength from the Constitution. Article 21, guaranteeing the right to life and personal liberty, has been expansively interpreted by the Supreme Court to include the right to a clean and healthy environment. Alongside this, the Directive Principles of State Policy (notably Article 48A) and the Fundamental Duties (Article 51A(g)) impose obligations on the State and citizens respectively to protect and improve the

environment and safeguard forests, wildlife, and natural resources. The judiciary has thus used constitutional guarantees to fill legislative lacunae, often drawing upon international environmental principles—such as the precautionary principle, polluter-pays principle, and doctrine of sustainable development—to guide its interpretations. A number of landmark cases illustrate this transformative role. In *Vellore Citizens' Welfare Forum v. Union of India*, the Supreme Court first explicitly applied the doctrine of sustainable development, and recognised that environmental protection must go hand in hand with developmental imperatives. In the *M.C. Mehta* series of cases, including the *Taj Trapezium Zone* decision, the court mandated reductions in pollution, closure of industries in ecologically sensitive zones, and upheld the polluter-pays and precautionary principles as constitutional imperatives (M. C. Mehta vs. Union of India & Ors., 1996) These judgments demonstrate how the judiciary has moved beyond passive interpretation to active supervisory and enforcement roles, sometimes issuing directions, ordering clean-ups, and monitoring compliance.

Moreover, legal scholars note that judicial intervention via Public Interest Litigation (PIL) has democratized environmental justice, enabling NGOs, community groups, and concerned citizens to seek relief even in the absence of direct personal injury, thereby broadening locus standi in environmental cases. The establishment of the National Green Tribunal under the National Green Tribunal Act, 2010, further reflects recognition by legislature of the need for a specialized forum to enable expeditious disposal of environmental disputes and enforcement of environmental rights.

Contextual Background

The protection of the environment and the promotion of sustainable development have emerged as pressing concerns in the 21st century. India, as one of the fastest-growing economies and home to nearly 1.4 billion people, faces acute environmental challenges arising from rapid industrialization, population explosion, deforestation, urban sprawl, depletion of natural resources, and climate change. The consequences of these challenges are not merely ecological but also social and economic, as they directly affect public health, agricultural productivity, water availability, and long-term developmental prospects.

In this scenario, the judicial system of India has assumed a pioneering role in addressing environmental concerns. While the executive and

legislative branches have designed frameworks for environmental governance through various laws and policies, the judiciary has acted as a guardian, interpreter, and enforcer of environmental rights. Through a combination of judicial activism, expansive interpretation of constitutional rights, and the development of innovative environmental jurisprudence, the courts have transformed environmental protection into a justiciable right, linked directly with the fundamental right to life under Article 21 of the Indian Constitution.

Thus, the judicial system in India has become more than a dispute-resolution forum; it has emerged as an instrument of environmental governance and a vehicle for sustainable development.

Concept of Environmental Protection

Environmental protection refers to a set of practices, legal measures, and policies aimed at conserving natural resources, maintaining ecological balance, and preventing environmental degradation. In India, the concept is not limited to pollution control but also encompasses forests, wildlife, rivers, biodiversity, heritage sites, and overall ecological balance.

The judiciary has expanded this concept by recognizing that environmental quality is intrinsically linked with human survival and dignity. In landmark cases, the courts have read the “right to clean air, safe drinking water, and pollution-free surroundings” into Article 21 (Right to Life), thereby constitutionalizing environmental protection.

Concept of Sustainable Development

The idea of sustainable development gained global recognition after the Brundtland Commission Report (1987), which defined it as:

“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (UN Digital Library, 2024)

For a country like India, sustainable development is not merely an environmental concern but also a socio-economic necessity. It requires balancing economic growth with ecological protection, ensuring equitable resource distribution, and safeguarding the rights of marginalized communities who are disproportionately affected by environmental degradation.

Indian judiciary has actively invoked principles of sustainable development while adjudicating disputes—whether in relation to industrial pollution, forest conservation, dam construction, or urban planning. In doing so, the judiciary has emphasized that

development and environment are not opposing forces but must progress hand in hand.

Objectives of the study: -

- i. To examine the constitutional and legal framework governing environmental protection in India.
- ii. To analyze the role of judicial activism in promoting environmental justice.
- iii. To evaluate landmark judicial decisions that have shaped India's green jurisprudence.

Judicial System as Guardian of Fundamental Rights

One of the most significant contributions of the Indian judiciary has been the judicial expansion of the scope of fundamental rights to include environmental protection. Under Article 21, the "Right to Life" has been interpreted to mean not just animal existence but a dignified life with access to clean water, unpolluted air, and a healthy environment.

Through this lens, the judiciary positions itself as a protector of citizens' rights against state inaction, industrial exploitation, and ecological harm. Judicial interventions in the form of Public Interest Litigations (PILs) have allowed ordinary citizens, NGOs, and activists to bring environmental grievances before the courts, making justice accessible even to marginalized groups.

This proactive approach has been described as "green judicial activism," where the courts have stepped in to fill legislative or executive gaps. For instance, in the absence of strong environmental enforcement mechanisms, the judiciary has issued guidelines, created monitoring bodies, and even formulated new doctrines like the Precautionary Principle, Polluter Pays Principle, and Public Trust Doctrine.

Rising Environmental Challenges in India

The need for judicial involvement stems from the complex and multi-dimensional nature of environmental issues in India:

- i. Air Pollution: India is home to 14 of the world's 20 most polluted cities, with severe public health consequences.
- ii. Water Pollution: Rivers like the Ganga and Yamuna face severe pollution from industrial effluents, sewage, and religious waste.
- iii. Deforestation: Large-scale diversion of forest land for mining, infrastructure, and urban development threatens biodiversity.

- iv. Climate Change: Rising temperatures, erratic monsoons, and extreme weather events challenge India's developmental trajectory.
- v. Urbanization: Rapid growth of cities leads to waste management crises, air pollution, and depletion of green cover.

The executive and legislative measures often fall short due to bureaucratic inefficiency, political compromises, and enforcement gaps. In this vacuum, the judiciary has emerged as the most reliable institution for environmental protection.

Need for Judicial Activism

Judicial activism in the environmental domain is not a matter of choice but a necessity for India. Several reasons explain this:

- i. Weak Enforcement of Environmental Laws: Despite having progressive laws such as the Environment Protection Act, 1986, and the Air and Water Acts, their enforcement has been lax due to a lack of political will and resources.
- ii. Growing Awareness and Public Demand: Civil society and NGOs increasingly turn to courts to secure environmental justice when other institutions fail.
- iii. Complexity of Environmental Issues: Issues like industrial pollution, climate change, and biodiversity loss require interpretation of constitutional values in the light of global environmental principles.
- iv. Protection of Marginalized Communities: Many environmental conflicts involve tribal populations, fisherfolk, and rural poor who lack the capacity to assert their rights. Judicial intervention ensures their voices are heard.
- v. Global Commitments: India's participation in international agreements (Stockholm, Rio, Paris) has pushed the judiciary to align domestic jurisprudence with global principles of sustainable development.

Judiciary as an Instrument for Sustainable Development

By stepping beyond conventional judicial roles, the Indian courts have effectively become policy actors in environmental governance. For example:

- i. They have mandated environmental impact assessments for projects.

- ii. They have ordered closure or relocation of polluting industries near residential areas or heritage sites (e.g., Taj Mahal Trapezium case).
- iii. They have directed governments to frame waste management, vehicle emission, and noise pollution norms.
- iv. They have protected ecologically sensitive zones like forests and wetlands through judicial monitoring.

In each instance, the judiciary has attempted to balance developmental needs with ecological preservation. This reflects the true spirit of sustainable development—neither absolute environmental conservation nor unchecked industrial growth, but a middle path.

Significance of Judicial Role

The judicial system's significance in this domain can be understood on three levels:

- i. Protective Role: Safeguarding citizens' right to a clean environment.
- ii. Corrective Role: Checking the failure of the legislative and executive branches.
- iii. Innovative Role: Developing environmental doctrines and principles unique to Indian jurisprudence.

This makes the judiciary not just a reactive body but a proactive guardian of environmental justice and sustainable development.

Constitutional and Legal Framework

India's environmental governance has been shaped by a blend of constitutional mandates and legislative instruments that empower the state, citizens, and judiciary to protect and preserve the environment. While India did not originally have an explicit constitutional right to environment at the time of the framing of the Constitution, judicial interpretation and

subsequent constitutional amendments have enshrined ecological protection as a fundamental aspect of governance. At the same time, statutory laws provide the operational mechanisms for pollution control, biodiversity conservation, and environmental management. This dual framework – constitutional vision and legislative machinery – forms the backbone of India's environmental jurisprudence.

Constitutional Provisions

1. Article 21 – Right to Life and Environment

Article 21 of the Indian Constitution states:

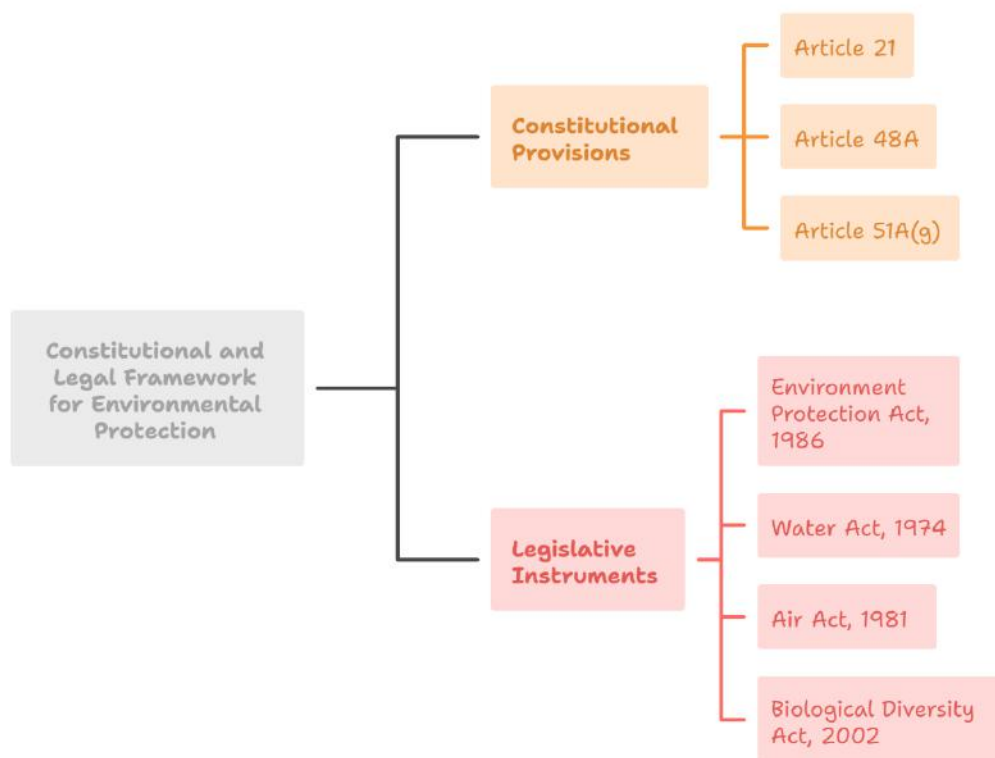
"No person shall be deprived of his life or personal liberty except according to procedure established by law."

While the framers did not explicitly refer to environmental rights, the Supreme Court's expansive interpretation has made Article 21 the cornerstone of environmental jurisprudence. Starting in the 1980s, courts began recognizing that the right to life includes the right to live with dignity in a clean and healthy environment.

- i. In *Subhash Kumar v. State of Bihar* (1991), the Supreme Court held that the right to life under Article 21 includes the right to enjoy pollution-free water and air.
- ii. In *M.C. Mehta v. Union of India* (Oleum Gas Leak case, 1986), the Court linked Article 21 to environmental safety, laying down the principle of absolute liability for hazardous industries.
- iii. In *Charan Lal Sahu v. Union of India* (1990), relating to the Bhopal Gas Tragedy, the Court held that the right to life extends to the protection of ecological balance.

Thus, Article 21 provides the judiciary a powerful tool to enforce environmental rights even in the absence of explicit statutory provisions.

Environmental Protection Framework in India



2. Article 48A – Directive Principles of State Policy

Article 48A, inserted by the 42nd Constitutional Amendment (1976), mandates:

“The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.”

Although Directive Principles are non-justiciable, they provide guiding principles for state policy and legislative action. Article 48A was inserted in recognition of India’s growing ecological crisis in the post-Independence decades. It has since served as a constitutional basis for various laws such as the Wildlife (Protection) Act, 1972 and the Forest Conservation Act, 1980.

Judicial interpretation has further strengthened Article 48A by reading it harmoniously with Article 21,

thereby making environmental protection a constitutional responsibility of the State.

3. Article 51A(g) – Fundamental Duty of Citizens

Article 51A(g), also added through the 42nd Amendment, prescribes as a fundamental duty of every citizen:

“To protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.”

This provision underscores the shared responsibility of environmental protection. While fundamental duties are non-enforceable in courts, they guide citizen behaviour and provide moral legitimacy to laws and judicial orders. For instance, courts have invoked Article 51A(g) to emphasize that citizens cannot ignore

their duty towards reducing pollution and conserving biodiversity.

Together, Articles 21, 48A, and 51A(g) create a constitutional triangle of rights, duties, and obligations towards the environment – making ecological protection not just a policy goal but a constitutional mandate.

Legislative Instruments

Complementing constitutional provisions are a series of legislative instruments that provide a statutory framework for environmental governance. Some of the most significant laws include the Environment Protection Act (1986), Water Act (1974), Air Act (1981), and Biological Diversity Act (2002).

1. Environment Protection Act, 1986

The Environment (Protection) Act, 1986 (EPA), is considered the umbrella legislation for environmental protection in India. It was enacted in the aftermath of the Bhopal Gas Tragedy (1984), which exposed glaring gaps in environmental safety.

Key features:

- i. Empowers the Central Government to take all necessary measures to protect and improve environmental quality.
- ii. Provides authority to set standards for emissions and discharges, regulate industrial activities, and handle hazardous substances.
- iii. Introduced the concept of Environmental Impact Assessment (EIA), making it mandatory for large projects to assess and mitigate environmental risks.
- iv. Allows for penalties and imprisonment for violations.

Through EPA, the government has issued numerous rules and notifications, such as:

- i. EIA Notification, 1994 (later updated in 2006).
- ii. Hazardous Waste Management Rules, 1989.
- iii. Solid Waste Management Rules, 2016.

The EPA is thus the backbone of India's environmental regulatory regime.

2. Water (Prevention and Control of Pollution) Act, 1974

The Water Act, 1974, was the first major environmental law in independent India, enacted to control water pollution and maintain water quality.

Key features:

- i. Establishment of the Central and State Pollution Control Boards (CPCB and SPCBs) to regulate pollution.
- ii. Prohibition of discharge of pollutants into water bodies beyond prescribed limits.
- iii. Powers to inspect industries, collect samples, and enforce compliance.
- iv. Provision for imprisonment and fines for offenders.

This law is particularly significant given India's dependence on rivers for drinking water, irrigation, and industry. The judiciary has frequently invoked the Water Act in cases like the Ganga Pollution Case (M.C. Mehta v. Union of India, 1988), where tanneries and industries were ordered to install effluent treatment plants.

3. Air (Prevention and Control of Pollution) Act, 1981

The Air Act, 1981, was enacted in response to global concern about air pollution after the 1972 Stockholm Conference.

Key features:

- i. Establishes Pollution Control Boards to monitor and control air quality.
- ii. Provides powers to regulate industrial emissions and vehicular pollution.
- iii. Declares areas as Air Pollution Control Areas where stricter standards apply.
- iv. Allows closure of non-compliant industries.

The Air Act gained prominence in cases like the Delhi Vehicular Pollution Case (M.C. Mehta v. Union of India, 1998), where the Supreme Court ordered conversion of Delhi's public transport to Compressed Natural Gas (CNG). This was a landmark step in controlling urban air pollution.

4. Biological Diversity Act, 2002

The Biological Diversity Act, 2002, was enacted to fulfil India's obligations under the Convention on Biological Diversity (CBD), 1992.

Key features:

- i. Conservation of biological diversity, sustainable use of its components, and equitable sharing of benefits.
- ii. Establishment of the National Biodiversity Authority (NBA), State Biodiversity Boards,

and local Biodiversity Management Committees.

- iii. Regulation of access to biological resources and associated knowledge, particularly concerning foreign entities and corporations.
- iv. Recognition of community rights over traditional knowledge and genetic resources.

This law is particularly significant in protecting indigenous knowledge and preventing biopiracy (e.g., cases involving neem, turmeric, and basmati patents).

Judicial Activism in Environmental Protection

Judicial activism in India has emerged as a powerful instrument for protecting the environment, primarily through the vehicle of Public Interest Litigation (PIL). Unlike traditional litigation, PIL enables citizens, NGOs, and activists to approach the courts even without a direct personal stake. This has proven invaluable in environmental matters where affected communities are often marginalized and lack the capacity to litigate (Sateh, 2002). The Supreme Court's willingness to entertain PILs on environmental issues has democratized access to environmental justice.

A related innovation has been the expansion of locus standi. Earlier, only directly aggrieved parties could approach courts, but now any public-spirited individual may do so. This expansion allowed historic interventions such as the *M.C. Mehta v. Union of India* series, where the Court addressed issues ranging from the Ganga River pollution to vehicular emissions in Delhi (Mehta, 1988; Mehta, 1998).

The judiciary has also given Indian law a distinct environmental jurisprudence by interpreting constitutional rights in light of international environmental principles. In *Vellore Citizens' Welfare Forum v. Union of India* (1996), the Court recognized the doctrine of sustainable development, holding that development must proceed without compromising ecological integrity. It also embedded the

precautionary principle, requiring industries to prove environmental safety before proceeding with projects, and affirmed the polluter pays principle, ensuring that those responsible for ecological harm bear the costs of remediation.

These contributions have resulted in a unique body of green jurisprudence in India, where constitutional rights, statutory provisions, and global principles converge. Judicial activism thus fills legislative and executive gaps, positioning the judiciary as a proactive guardian of environmental justice and sustainable development.

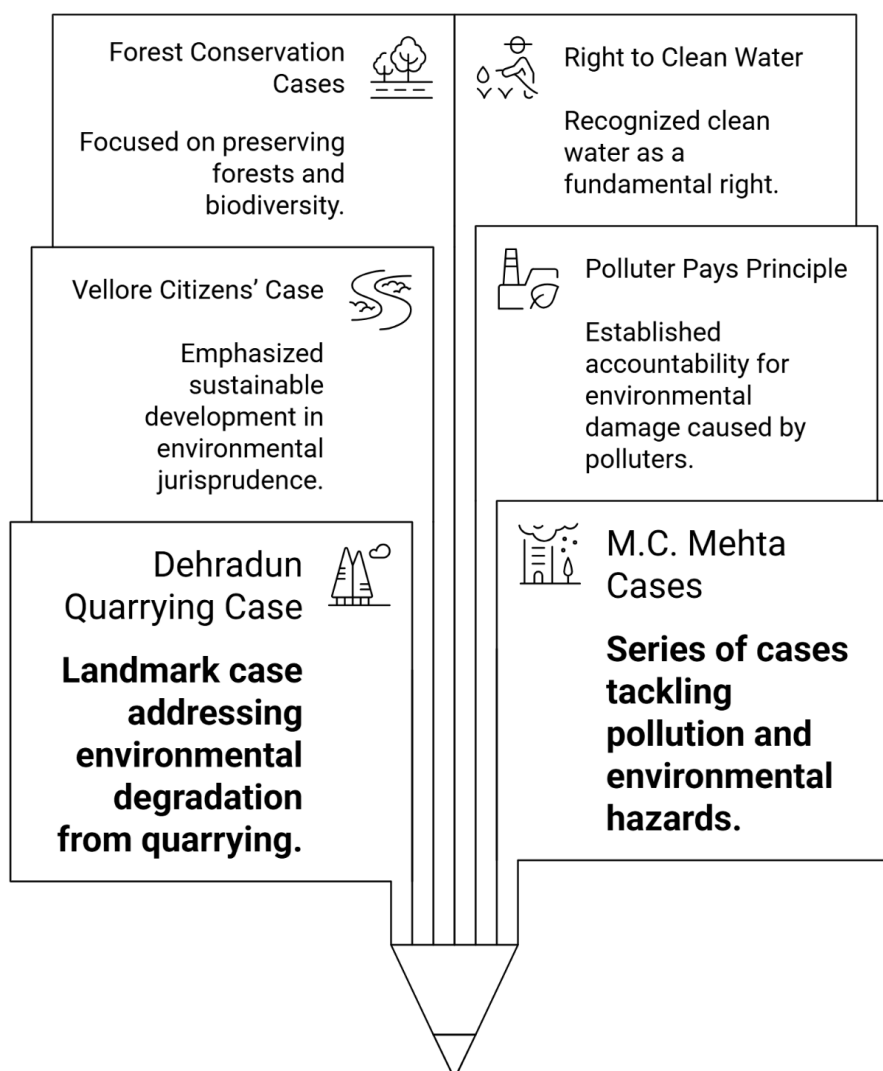
Landmark Judgments in Environmental Protection

The Indian judiciary has played a transformative role in developing environmental jurisprudence through a series of landmark judgments.

One of the earliest cases was *Rural Litigation and Entitlement Kendra v. State of U.P.* (1985), known as the Dehradun Quarrying Case, where the Supreme Court ordered closure of limestone quarries in the Mussoorie hills, holding that ecological balance must be preserved even at the cost of economic activity.

A series of pathbreaking decisions came through *M.C. Mehta's* public interest litigations. In the *Oleum Gas Leak Case* (1986), the Court evolved the doctrine of absolute liability, making hazardous industries liable for any harm caused, regardless of negligence. In the *Ganga Pollution Case* (1988), tanneries and industries discharging effluents into the river were directed to install treatment plants. The *Taj Trapezium Case* (1997) led to the relocation of polluting industries around Agra to protect the Taj Mahal from acid rain. Similarly, in the *Delhi Vehicular Pollution Case* (1998), the Court ordered conversion of public transport to CNG, significantly reducing urban air pollution (Mehta, 1988; Mehta, 1998).

Pillars of Environmental Law



In *Vellore Citizens' Welfare Forum v. Union of India* (1996), the Supreme Court explicitly recognized the principle of sustainable development, embedding the precautionary and polluter pays principles into Indian law. The same year, in *Indian Council for Enviro-Legal Action v. Union of India* (1996), the Court enforced the polluter pays principle, directing industries to compensate for environmental damage caused by chemical waste.

The *T.N. Godavarman Thirumulpad v. Union of India* (1995 onwards) series of cases redefined forest conservation, leading to the continuous monitoring of deforestation and the expansion of the definition of "forest." In *Narmada Bachao Andolan v. Union of India* (2000), the Court upheld construction of the Sardar Sarovar Dam, reflecting judicial attempts to balance

developmental needs with ecological concerns. Finally, in *Subhash Kumar v. State of Bihar* (1991), the Court recognized the right to clean water and air as part of the right to life under Article 21.

Judicial Contribution to Sustainable Development

The Indian judiciary has been instrumental in developing environmental doctrines and shaping policy frameworks that promote sustainable development, often filling in gaps left by legislation or weak enforcement.

One major contribution is the development of environmental doctrines such as the precautionary principle, polluter pays principle, and the public trust doctrine.

- i. In *M.C. Mehta v. Union of India (Taj Trapezium Zone)*, the Supreme Court applied the polluter pays and precautionary principles to direct polluting industries around Agra to shift to cleaner fuels and reduce emissions to protect the Taj Mahal.
- ii. The case *Indian Council for Enviro-Legal Action v. Union of India (1996)* is foundational for establishing the polluter pays principle in Indian environmental law. The Court held that entities causing pollution must bear the costs of remediation and compensation even if they had taken precautions.
- iii. The public trust doctrine was explicitly recognized in *M.C. Mehta v. Kamal Nath (1996)*, where the Supreme Court held that certain natural resources are held “in trust” by the State for public use, and private encroachment or mis-use of such resources can be restrained.

Besides doctrine development, the judiciary has actively worked to balance industrial development with ecological preservation. In many PILs and Supreme Court cases, the courts have refrained from outrightly rejecting developmental projects, but have conditioned approvals on compliance with environmental norms, mitigation measures, or relocation of polluting units. The Taj Trapezium case is again illustrative: industries inside the zone were directed to shut down or convert to cleaner technology, balancing heritage, public health, and development.

The courts have also issued **directives to governments** to frame and implement eco-friendly policies. These include orders to set up pollution control mechanisms, monitoring, and remediation plans. For example, the judiciary’s advocacy for Environmental Impact Assessments (EIAs) has been significant. EIAs are now legally mandatory for large projects under the Environment Protection Act, and courts have handed down decisions strengthening public participation and compliance norms. While specific judgments on EIA processes are numerous, they generally reinforce the need for transparency, assessment of risk, and precaution.

In recent years, the National Green Tribunal (NGT) has further extended judicial oversight over solid waste management rules and other regulatory areas. For instance, in *NTPC Ltd. vs. Uttarakhand Pollution Control Board (2021)*, the NGT upheld polluter pays in the context of muck disposal sites of a hydroelectric

project, ordered restoration and compensation (Legal Service India, 2021).

Through the interplay of doctrines, case law, and judicial orders, the Indian judiciary has substantially shaped environmental policy and practice, ensuring sustainable development is not merely a slogan but a legally enforceable objective. These contributions demonstrate that judicial intervention is central to environmental protection in India, complementing legislative and executive efforts.

Role of Specialized Bodies

The establishment of the National Green Tribunal (NGT) in 2010 marks a major institutional innovation in India’s environmental law framework. Under the National Green Tribunal Act, 2010, the NGT was created “for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources,” including to enforce legal rights and award relief and compensation for damages (National Green Tribunal, 2024). The Tribunal has a specialized jurisdiction, comprising judicial members (from High Courts or Supreme Court background) and expert members from fields like environmental sciences. It is not bound by the procedural rigidities of the Code of Civil Procedure and aims to dispose of applications or appeals within six months. The NGT has bench seats across multiple regions (Delhi, Bhopal, Pune, Kolkata, Chennai), which helps in enhancing access and reducing delay.

Supreme Court and High Courts also utilize monitoring committees in specific environmental matters. A prominent example is the Central Empowered Committee (CEC), established by the Supreme Court in 2002 (in the *T.N. Godavarman Thirumulpad* case) to monitor compliance with forest conservation, wildlife protection, compensatory afforestation etc (Scroll.in, 2023). Recently the government reconstituted the CEC under the Environment Ministry, changing its composition and raising questions about its independence (The Times of India, 2023). Other Supreme Court-constituted oversight or high-powered committees, often including technical experts, monitor large projects, illegal mining, or compliance with court orders.

Interactions among the judiciary, the executive, and NGOs are integral in environmental governance. NGOs often initiate PILs, act as *amicus curiae*, help in fact-finding, raise public interest concerns, monitor implementation of judicial orders, and collaborate with specialized bodies (such as in the Goa Foundation’s

involvement). The executive implements orders, frames rules, and provides administrative machinery, often coordinated through committees and regulatory bodies under judicial oversight. Such interactions help in translating court judgments into on-the-ground outcomes.

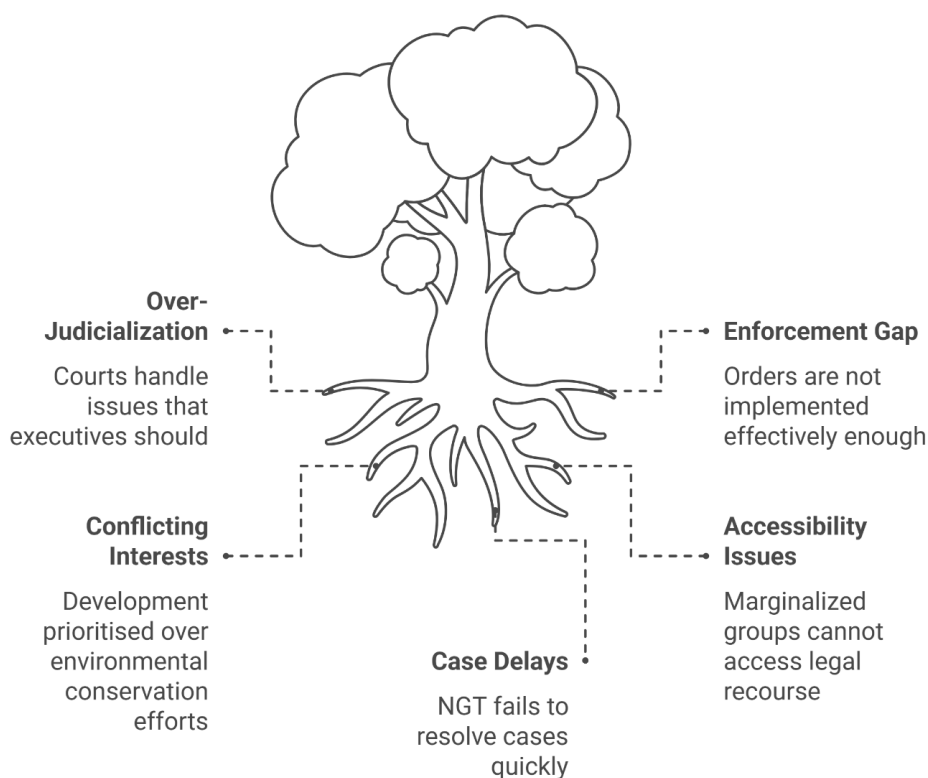
Challenges and Criticism

While the Indian judiciary has significantly advanced environmental protection and sustainable development, its role is not without challenges and criticisms.

1. Over-judicialization vs. executive responsibility

Critics argue that the judiciary often steps into the policy-making and implementation domain, blurring the separation of powers. Through Public Interest Litigations (PILs), courts have issued detailed directions on matters like vehicular fuel use (CNG in Delhi) or municipal solid waste management. Although such interventions have immediate benefits, they raise concerns about the judiciary assuming executive functions, which ideally should rest with elected bodies and administrative agencies. This “judicial overreach” risks undermining democratic accountability.

Ineffective Environmental Protection Enforcement



2. Enforcement gap – orders vs. implementation

A recurring problem is the gap between judicial pronouncements and ground-level execution. For example, orders on river pollution, illegal mining, or industrial relocation are often delayed or diluted due to bureaucratic inertia, lack of political will, or insufficient monitoring. Courts may set ambitious deadlines, but compliance mechanisms remain weak, resulting in partial or symbolic implementation.

3. Conflicting interests – development vs. conservation

Environmental cases frequently involve a tension between economic growth and ecological protection. In *Narmada Bachao Andolan v. Union of India* (2000), the Supreme Court allowed dam construction, emphasizing national development, even while acknowledging environmental costs. Such judgments illustrate the difficulty of striking a balance between livelihood, infrastructure, and sustainability. Critics argue that at times, the judiciary has leaned toward developmental imperatives, compromising long-term ecological interests.

4. Accessibility issues

Although PILs have opened up access, marginalized communities—such as tribal groups affected by mining or dam projects—still face hurdles in approaching higher courts. Legal costs, linguistic barriers, and lack of awareness limit their ability to secure justice. NGOs often represent these communities, but this creates dependency and does not fully address structural inequalities in legal access.

5. Delays despite specialized bodies

The creation of the National Green Tribunal (NGT) was intended to ensure speedy resolution of environmental disputes. However, delays persist due to vacancy of posts, limited benches, increasing case load, and appeals reaching the Supreme Court. This undermines the Tribunal's objective of swift and effective redressal.

Findings and Discussion

The analysis of judicial interventions in environmental governance in India reveals several important patterns and insights. First, the judiciary has been pivotal in expanding the scope of environmental rights, transforming abstract constitutional guarantees into enforceable legal entitlements. Cases such as *Subhash Kumar v. State of Bihar* (1991) and *Vellore Citizens' Welfare Forum v. Union of India* (1996) demonstrate that courts have interpreted Article 21 to include the right to a clean and healthy environment, while simultaneously adopting international environmental principles like sustainable development, precautionary measures, and the polluter pays principle.

Second, judicial activism, particularly through Public Interest Litigation (PIL), has democratized environmental justice. By expanding locus standi, courts have enabled NGOs and concerned citizens to initiate actions on behalf of affected communities, ensuring that marginalized groups, who are most vulnerable to ecological harm, gain access to legal remedies. However, this has also led to debates about over-judicialization, where courts sometimes assume executive responsibilities in policy implementation and project monitoring.

Third, the establishment of specialized bodies like the National Green Tribunal (NGT) has improved the speed and technical quality of environmental adjudication. Nevertheless, delays, inadequate enforcement, and coordination gaps between judiciary, executive, and civil society often limit the effectiveness of legal interventions.

Finally, the case law demonstrates an ongoing tension between developmental imperatives and ecological preservation. While courts have protected sensitive ecosystems and imposed liabilities on polluters, they have also upheld major infrastructure projects, reflecting an attempt to balance economic growth with environmental sustainability.

Conclusion

The Indian judiciary has emerged as a critical instrument in protecting environmental rights and promoting sustainable development. Through expansive interpretations of constitutional provisions, including Articles 21, 48A, and 51A(g), and proactive use of Public Interest Litigation (PIL), courts have ensured that the right to a clean and healthy environment is treated as a fundamental right. Landmark judgments, such as the *M.C. Mehta* cases, *Vellore Citizens' Welfare Forum*, and *T.N. Godavarman Thirumulpad*, have not only developed doctrines like the precautionary principle, polluter pays principle, and public trust doctrine, but also guided legislative and executive action in areas like Environmental Impact Assessment, forest conservation, and pollution control.

Specialized bodies such as the National Green Tribunal (NGT) and Supreme Court monitoring committees have further strengthened enforcement mechanisms, while collaboration with NGOs has enhanced accountability and public participation. However, challenges persist, including enforcement gaps, over-judicialization, delays, and accessibility issues for marginalized communities.

In conclusion, while the judiciary alone cannot ensure environmental protection, its interventions have been transformative in shaping India's green jurisprudence and fostering sustainable development. Strengthening institutional coordination, empowering local communities, and ensuring effective implementation of judicial directives remain essential for translating legal pronouncements into tangible ecological outcomes.

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